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5 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

6 ANTHONY EUGENE LEWIS,)
7)
8 Plaintiff,) Case No. C07-1517-MJP-BAT
9 v.) CLARIFICATION OF REPORT
CITY OF SEATTLE, et al.,) AND RECOMMENDATION
10) REGARDING DEFENDANTS
Defendants.) LEE, TIETJEN, ZIEGER, AND
11) HAZARD

12 On February 13, 2009, the Court filed Reports and Recommendations in this case. Dkt. 78,
13 79. The parties request the Court to clarify whether it recommends dismissal of the claim that
14 defendants Lee, Tietjen and Zieger unlawfully arrested and placed plaintiff into custody. Dkt. 86,
15 89. This request is based on the discrepancy between the Report and Recommendation and the
16 Proposed Order and Judgment. *See* Dkt. 79.

17 To clarify, the Court recommends dismissal of this claim. In its Report and
18 Recommendation, the Court concluded there were no genuine issues of material fact that defendants
19 found plaintiff in possession of cocaine and that defendants therefore had probable cause to arrest
20 and take plaintiff into custody. Dkt. 79 at 9. The Court concluded that it was thus appropriate to
21 grant summary judgment in favor of defendants on this claim. *Id.* However, the Proposed Order
22 and Proposed Judgment previously submitted incorrectly stated defendant's motion for summary
23 judgment is denied as to this claim. *See* Dkt. 79.

1 Consistent with this clarification that the claim be dismissed, the Court attaches a new
2 Proposed Order and Proposed Judgment reflecting the Court's recommendation.

3 DATED this 24th day of March, 2009.

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6 BRIAN A. TSUCHIDA
7 United States Magistrate Judge
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